



California Regional Water Quality Control Board

San Diego Region



Terry Tamminen
Secretary for
Environmental
Protection

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
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<http://www.swrcb.ca.gov/rwqcb9>

Arnold Schwarzenegger
Governor

June 25, 2004

Mr. Donald Weaver
Power Plant Manager
Duke Energy South Bay, LLC
990 Bay Blvd.
Chula Vista, CA 91911

in reply refer to:
IC: 13-0091.01: NAVRH

Dear Mr. Weaver:

SUBJECT: REISSUANCE OF TENTATIVE DRAFT NPDES RENEWAL PERMIT FOR
DUKE ENERGY SOUTH BAY, LLC, SOUTH BAY POWER PLANT, ORDER
NO. R9-2004-0154, NPDES PERMIT NO. CA0001368.

Enclosed for your review is a copy of tentative Order No. R9-2004-0154, *Waste Discharge Requirements for Duke Energy South Bay, LLC's, South Bay Power Plant, San Diego County*, tentative Monitoring and Reporting Program (MRP) No. R9-2004-0154, and the Fact Sheet for Order No. R9-2004-0154. The tentative Order renews the NPDES permit for the Duke Energy, South Bay Power Plant for another five years.

The tentative Order is also available on our website at www.swrcb.ca.gov/rwqcb9.

The tentative Order incorporates, where appropriate, the findings of the technical reports provided by Duke Energy on updated studies conducted at the South Bay Power Plant (SBPP) during 2003 to assess the impact of the intake structures and the discharge from the SBPP on the biological resources and beneficial uses of south San Diego Bay and to verify compliance with Clean Water Act (CWA) Sections 316(a) and 316(b).

The tentative Order updates the waste discharge requirements in the NPDES permit to reflect the elimination of low volume and metal cleaning wastes from SBPP to San Diego Bay. The updated permit also addresses implementation of the California Toxic Rule and other provisions of the *State Policy for Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*.

Tentative Order No. R9-2004-0154 also addresses, where appropriate, the written and oral testimony provided by the public and various environmental resource agencies regarding previous versions of the tentative Order (Nos. 2001-283 and R9-2002-0022).

Regional Board staff intends to bring tentative Order No. R9-2004-0154 before the Regional Board for its consideration at its August 11, 2004 meeting. This meeting is open to the public and will begin at 9:00 a.m. at the Regional Board Meeting Room, 9174 Sky Park Court, Suite 100, San Diego, California.

California Environmental Protection Agency

June 25, 2004

Please review and comment on the tentative Order at your earliest convenience. The last day to submit written comments via mail or email to the Regional Board office is July 28, 2004. Oral comments will be received by the Regional Board during the August 11, 2004 hearing.

The written comment period of 33 days, ending on July 28, 2004, will provide the time needed to develop responses to comments on the tentative Order so that the written responses can be furnished to the Regional Board for review prior to the August 11, 2004 hearing.

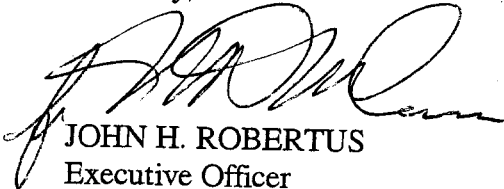
Please address all correspondence to:

Mr. John Robertus, Executive Officer
Attn: Industrial Compliance Unit
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

Please direct comments and questions to Mr. Hashim Navrozali at (858) 467-2981 or via e-mail to navrh@rb9.swrcb.ca.gov

Sincerely,



JOHN H. ROBERTUS
Executive Officer

Enclosures

cc: Interested Parties Distribution List

File: 13-0091.02